

EXECUTIVE SECRETARIAT
ROUTING SLIP

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TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		X (w/att)		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL		X (w/att)		
14	D/PAO				
15	VC/NIC				
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22					
SUSPENSE		Date			

Remarks

Executive Secretary

18 Oct 85

Date

3637 (10-81)

STAT

85- 1232/1

BY THE U.S. GENERAL ACCOUNTING OFFICE
Report To The Chairman, Subcommittee On
Legislation And National Security,
Committee On Government Operations
House of Representatives

Use Of Government Motor Vehicles For The
Transportation Of Government Officials And
The Relatives Of Government Officials

GAO asked federal agencies for information on the use of government motor vehicles, during the period January to June 1985, to transport (1) officials between their residences and their places of employment, and (2) relatives of officials between various locations.

Of the 128 officials GAO was told were provided transportation between their residences and places of employment, GAO believes that 79 received unauthorized transportation. Of the 17 relatives of officials GAO was told were provided transportation between various locations, GAO believes that 7 received unauthorized transportation. Five received transportation that sometimes was unauthorized.



GAO/GGD-85-76
SEPTEMBER 16, 1985

V-100

CONTROL NO. _____

CROSS REF: 7L-10083-85

PRIOR PAPERS ON THIS SUBJECT: NO YES

PRIOR CORRES SENT TO: _____

OTHER COMMENTS: File with

EXECUTIVE REGISTRY FILE NO: _____

CROSS REF: _____



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-210555

The Honorable Jack Brooks
Chairman, Subcommittee on
Legislation and National
Security
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

Your April 2, 1985, letter asked us to determine the use of government motor vehicles to transport government officials between their residences and their places of employment. Subsequently, your office asked us to also review the use of government vehicles to transport relatives of government officials between any locations, while either accompanied or not accompanied by the government officials. Further, we were asked to limit our review to transportation provided to officials and their relatives within the continental United States since January 1, 1985, and to report whether, in our opinion, the officials and relatives of officials were authorized to receive the transportation they were provided.

As agreed with your office, we developed information on the use of government vehicles by federal officials and their relatives by requesting information from the Executive Office of the President, the 13 cabinet-level departments, the departments' 178 subordinate organizations, and 60 independent executive branch offices, boards, commissions, agencies, etc. Of the total number of executive branch activities from whom we requested information, all but the Executive Office of the President responded concerning the use of government motor vehicles by their officials and relatives of officials. We examined records and otherwise verified only the information received from the Commodity Futures Trading Commission, the General Services Administration, and the Office of Personnel Management.

The agencies' responses indicated that 128 officials were provided transportation between their residences and their places of employment. In addition, on some occasions, 17 relatives of officials were provided transportation between various locations. Details on the 128 officials and the 17 relatives are contained in the schedules included as appendices I and II.

B-210555

The basic authority for the use of government motor vehicles to provide transportation for an official purpose is contained in 31 U.S.C. 1344. It states:

"(a) Except as specifically provided by law, an appropriation may be expended to maintain, operate, and repair passenger motor vehicles or aircraft of the United States Government that are used only for an official purpose. An official purpose does not include transporting officers or employees of the Government between their domiciles and places of employment except--

(1) medical officers on out-patient medical service; and

(2) officers or employees performing field work requiring transportation between their domiciles and places of employment when the transportation is approved by the head of the agency.

(b) This section does not apply to a motor vehicle or aircraft for the official use of--

(1) the President;

(2) the heads of executive departments listed in section 101 of title 5; or

(3) principal diplomatic and consular officials."

In addition, there are other authorizations applicable to the use of government motor vehicles related to specific agencies or specific agency officials. The authority for transportation of officials and relatives of officials, as cited in the agencies' responses, is shown in the schedules in appendix II.

On the basis of our review of the information contained in the responses from the government agencies, departments, and subordinate organizations, we believe that 79 officials have received transportation in government motor vehicles between their residences and places of employment that they were not authorized to receive. This represents about 62 percent of the officials that were receiving transportation, according to the information we were provided. In addition, we believe that 7 of the 17 relatives receiving transportation in government motor vehicles were not authorized to receive it. Also, five

relatives received transportation in government motor vehicles that part of the time was authorized and part of the time was not authorized.

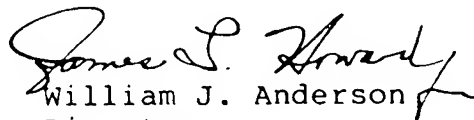
Schedules showing the agencies in which officials are receiving government transportation between their residences and places of employment, the number of such officials involved, the relatives of officials in these agencies receiving government transportation between various locations, and our opinion on whether such transportation was authorized are contained in the schedules included as appendices I and II.

The conclusions in appendix II regarding the authority, or lack of authority, for the cited transportation represent the preliminary views of our Office of General Counsel based on its review of the information provided by the agencies in response to our requests for information. Those conclusions should not be treated as formal decisions of the Comptroller General. Substantial further legal and factual review, including allowing each official the opportunity to provide any additional justification the official deems appropriate, would be necessary in each case before formal decisions could be made. As agreed with your office, we did not obtain comments from agency officials on our preliminary views.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

We trust this information satisfies your request.

Sincerely yours,


William J. Anderson
Director

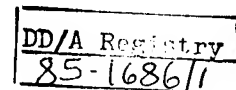
SUMMARY INFORMATION ON THE 128 OFFICIALS
AND 17 RELATIVES PROVIDED TRANSPORTATION
IN GOVERNMENT VEHICLES DURING THE PERIOD
JANUARY 1 TO JUNE 30, 1985

<u>Agency</u>	<u>Government officials provided transportation between home and place of work</u>			<u>Relatives of officials provided transportation between various locations</u>			
	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Partially Authorized/ Not Authorized</u>
Agency for Inter- national Develop- ment	1	1					
Department of Agriculture	1	1		1			1
Arms Control and Disarmament Agency	1	1					
Central Intelligence Agency	2	2					
Department of Commerce	1	1		1			1
Department of Defense	13	11	2	6	2	1	3
Department of Education	1	1		1	1		
Department of Energy	14	1	13				

Central Intelligence Agency



Washington, D.C. 20505



31 MAY 1985

United States General Accounting Office
Attention: Hugh Pollon
Room B-242
General Services Administration Building
18th and F Streets, N.W.
Washington, D.C. 20405

Dear Mr. Pollon:

In response to Mr. James G. Mitchell's request of May 6, 1985, I have enclosed completed forms which identify the Director and Deputy Director of the Central Intelligence Agency as government officials who are provided official government transportation between their residences and places of employment. I have also enclosed a letter previously addressed to Senator William Proxmire which provides specific information on the application of our statutory authority in this matter.

Sincerely,

/s/Charles A. Briggs

Charles A. Briggs
Director, Office of Legislative Liaison

Enclosures

1. Forms
2. Proxmire Memo

OL-10083-85

Distribution:

Orig - Addee

1 - D/OLL

1 - ER

2 - DDA

1-OL/Files

1-D/L Chrono

2-OL/HOME

OL/HOME [redacted] /ba (14 May 1985)

STAT

DCI
EXEC

V-100

INFORMATION REQUEST FORM

1. Government officials that have been provided home-to-work transportation since January 1, 1985 in government-owned or government-leased vehicles including vehicles with or without a driver. Use a separate form for each official. If none please so indicate.

a. NAME OF GOVERNMENT OFFICIAL: William J. Casey

b. TITLE OR POSITION OF GOVERNMENT OFFICIAL:
Director of Central Intelligence Agency

c. AUTHORITY OR JUSTIFICATION FOR HOME-TO-WORK
TRANSPORTATION:

Section 8 of the CIA Act of 1949, as amended (50U.S.C.
403j)

d. FREQUENCY OF HOME-TO-WORK TRANSPORTATION (select one):

Daily XXX

 times per week

 times per month

Other (describe)

e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:

Owned

2. Relatives of the government official identified in part 1 that have been provided transportation, since January 1, 1985, in government-owned or government-leased vehicles, including vehicles with or without a driver, when not accompanied by the government official. If none please so indicate. None

a. NAME OF RELATIVE PROVIDED TRANSPORTATION:

b. RELATIONSHIP TO GOVERNMENT OFFICIAL:

c. FREQUENCY OR OCCASION:

d. AUTHORITY OR JUSTIFICATION:

e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:

3. Written instructions, statement of policy, or explanation of authority concerning home-to-work transportation furnished to any government official identified in part 1 above. If none please so indicate.

Headquarters Notice dated 22 January 1985 --

"Provision of Official Transportation from Home-to-Work" (attached)

DESCRIPTION (also provide a copy):

4. Individual who can be contacted concerning any of the data shown on this form.

STAT

a. NAME:

b. TITLE OR POSITION:

Chief, Headquarters Operations, Maintenance
and Engineering Division, Office of Logistics

STAT

c. PHONE:

Please refer to file on this subject -

This Notice Expires 1 August 1985

LOGISTICS

22 January 1985

STAT

PROVISION OF OFFICIAL TRANSPORTATION FROM HOME TO WORK

REFERENCES:

STAT

1. Title 31, Section 638a of the U.S. Code states that Government vehicles may be used only for "official purposes" and "official purposes" do not include home to work transportation for Federal employees. That legislation provides a series of very specific exemptions: the President, Secretaries of Cabinet departments (but not Under Secretaries, Assistant Secretaries, heads of agencies or boards), individuals on field service great distances from their offices, diplomatic personnel abroad, and physicians on out-patient duty.

2. There has been some confusion regarding the applicability of the statute and its penalties. That confusion has been definitively resolved by the Comptroller General of the General Accounting Office (GAO) in an opinion (B-210555) released on 3 June 1983. In that opinion and subsequent responses to agencies, such as the GAO's 7 February 1984 letter (B-210555.3) to the Office of Personnel Management, the GAO has made the following points:

a. The prohibition on home to work transportation for officials not specifically exempted by law is absolute. It is not acceptable to argue that the transportation was provided on an occasional, non-routine basis. There may be no exemptions.

b. Transportation from the office to official functions may be provided to nonexempt officials. Such transportation may not involve a stop at home for officials or their spouses.

c. All personnel are liable for financial recovery by the Government for penalties outlined in Title 31, Section 638a of the U.S. Code, for improper use of Government vehicles.

3. The Agency has separate authority (Section 8 of the Central Intelligence Agency Act of 1949) which authorizes it to provide home to work transportation. Generally, in the United States, only the Director of Central Intelligence and the Deputy Director of Central Intelligence are authorized regular chauffeured home to work transportation. Beyond that, this matter is governed by the referenced Agency regulations which generally are in conformance with the above.

Harry E. Fitzwater
Deputy Director
for
Administration

DISTRIBUTION: ALL EMPLOYEES (1-6)

INFORMATION REQUEST FORM

1. Government officials that have been provided home-to-work transportation since January 1, 1985 in government-owned or government-leased vehicles including vehicles with or without a driver. Use a separate form for each official. If none please so indicate.

a. NAME OF GOVERNMENT OFFICIAL: John N. McMahon

b. TITLE OR POSITION OF GOVERNMENT OFFICIAL:
Deputy Director of Central Intelligence Agency

c. AUTHORITY OR JUSTIFICATION FOR HOME-TO-WORK
TRANSPORTATION:
Section 8 of the CIA Act of 1949, as amended (50U.S.C
403j)

d. FREQUENCY OF HOME-TO-WORK TRANSPORTATION (select one):

Daily XXX

 times per week

 times per month

Other (describe)

e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:

Owned

2. Relatives of the government official identified in part 1 that have been provided transportation, since January 1, 1985, in government-owned or government-leased vehicles, including vehicles with or without a driver, when not accompanied by the government official. If none please so indicate. None

a. NAME OF RELATIVE PROVIDED TRANSPORTATION:

b. RELATIONSHIP TO GOVERNMENT OFFICIAL:

c. FREQUENCY OR OCCASION:

d. AUTHORITY OR JUSTIFICATION:

e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:

3. Written instructions, statement of policy, or explanation of authority concerning home-to-work transportation furnished to any government official identified in part 1 above. If none please so indicate.

Headquarters Notice dated 22 January 1985,
"Provision of Official Transportation from Home-to-Work" (attached)

DESCRIPTION (also provide a copy):

4. Individual who can be contacted concerning any of the data shown on this form.

STAT

a. NAME:

b. TITLE OR POSITION: Chief, Headquarters Operations, Maintenance and Engineering Division, Office of Logistics

STAT

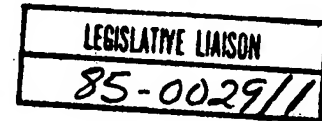
c. PHONE:

Page Denied

Central Intelligence Agency



Washington, D.C. 20505



17 JAN 1985

The Honorable William Proxmire
United States Senate
Washington, D.C. 20510

Dear Senator Proxmire:

This is in response to your letter of 2 January 1985 regarding use of government vehicles.

Section 8 of the CIA Act of 1949, as amended (50 U.S.C. 403j), provides "notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including . . . transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary" In the United States, regular chauffeured home-to-office transportation is provided to the Director and Deputy Director of Central Intelligence. The Agency's unique responsibilities to protect these individuals from threats to their personal safety and to safeguard classified documents in their possession is supported by that practice. This information was provided to the General Accounting Office on 2 February 1983 (a copy of that letter to Mr. Frank C. Conahan is enclosed) in response to its request and was published in its report to Congress dated 28 February 1983. The Agency has not received any communications reflecting disagreement with this policy.

The Agency's separate authority is applied pursuant to Agency regulations for the use of Government-owned vehicles. Those regulations specify that the Deputy Director for Administration has authority to approve the use of Agency vehicles as situations warrant.

Enclosed is a copy of our Headquarters Notice on this subject which is to be published next week. We believe that the policy set forth in this Notice is in general compliance with the June 3, 1983 Comptroller General decision.

I trust this information fulfills the requirements of your request.

Sincerely,

/s/Charles A. Briggs

Charles A. Briggs
Director, Office of Legislative Liaison

Enclosures:
As stated



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

MAY 6 1985

Executive Registry
85-1232

DD/A Registry
85-1686

The Honorable William J. Casey, Director
Central Intelligence Agency

Dear Mr. Casey:

The General Accounting Office has been requested by the Chairman of the Subcommittee on Legislation and National Security, House Committee on Government Operations, to determine which government officials have been provided government transportation between their homes and their places of employment in the United States since January 1, 1985, and to obtain other related information. This work is being performed under GAO's assignment code 014010.

In order to meet the Chairman's request for our expeditious response, we request that within ten calendar days from the date of this letter your agency complete the attached information request form and return it to:

United States General Accounting Office
Attention: Hugh Pollon
Room B-242
General Services Administration Building
18th and F Streets, N.W.
Washington, D.C. 20405

Please prepare a separate form for each official who has been provided home to work transportation or return the form with a negative response when that is applicable. Also please show in part four on the form the name of an agency representative we may contact in the event we may wish to clarify or verify any of the information provided.

If you should have any questions or wish further information about this request, you may call Hugh G. Pollon or Tyrone Mason on 557-7944.

Sincerely yours,

James G. Mitchell

James G. Mitchell
Senior Associate Director

Enclosures

EXECUTIVE SECRETARIAT

ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS				
5	DDI				
6	DDA	X			
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/Pers				
14	D/OLL		X		
15	D/PAO				
16	SA/IA				
17	AO/DCI				
18	C/IPD/OIS				
19	NIO				
20	ER				
21					
22					

SUSPENSE 22 May 85
Date

Remarks

STAT

8 May '85

Date

3637 (10-81)



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

Executive Registry
85- 1232

GENERAL GOVERNMENT
DIVISION

MAY 6 1985

The Honorable William J. Casey, Director
Central Intelligence Agency

Dear Mr. Casey:

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If you should have any questions or wish further information about this request, you may call Hugh G. Pollon or Tyrone Mason on 557-7944.

Sincerely yours,

James G. Mitchell

James G. Mitchell
Senior Associate Director

Enclosures



INFORMATION REQUEST FORM

1. Government officials that have been provided home-to-work transportation since January 1, 1985 in government-owned or government-leased vehicles including vehicles with or without a driver. Use a separate form for each official. If none please so indicate.

a. NAME OF GOVERNMENT OFFICIAL:

b. TITLE OR POSITION OF GOVERNMENT OFFICIAL:

c. AUTHORITY OR JUSTIFICATION FOR HOME-TO-WORK
TRANSPORTATION:

d. FREQUENCY OF HOME-TO-WORK TRANSPORTATION (select one):

Daily _____

_____ times per week

_____ times per month

Other (describe) _____

e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:

2. Relatives of the government official identified in part 1 that have been provided transportation, since January 1, 1985, in government-owned or government-leased vehicles, including vehicles with or without a driver, when not accompanied by the government official. If none please so indicate.
 - a. NAME OF RELATIVE PROVIDED TRANSPORTATION:
 - b. RELATIONSHIP TO GOVERNMENT OFFICIAL:
 - c. FREQUENCY OR OCCASION:
 - d. AUTHORITY OR JUSTIFICATION:
 - e. INDICATE WHETHER VEHICLE IS OWNED OR LEASED:
3. Written instructions, statement of policy, or explanation of authority concerning home-to-work transportation furnished to any government official identified in part 1 above. If none please so indicate.

DESCRIPTION (also provide a copy):

4. Individual who can be contacted concerning any of the data shown on this form.

a. NAME: -

b. TITLE OR POSITION:

c. PHONE: